

FIFTY-SIXTH DAY

(Continued)

After Recess

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Senate Resolution 349

The Senate resumed the consideration of S. R. No. 349 with a motion by Senator Creighton to postpone further consideration of S. R. No. 349 for one week pending.

Question—Shall the motion by Senator Creighton to postpone S. R. No. 349 for one week prevail?

The motion to postpone further consideration of S. R. No. 349 for one week prevailed by the following vote:

Yeas—15

Aikin	Parkhouse
Baker	Patman
Calhoun	Reagan
Colson	Roberts
Creighton	Schwartz
Crump	Secrest
Gonzalez	Willis
Moffett	

Nays—10

Dies	Krueger
Hardeman	Lane
Herring	Moore
Hudson	Ratliff
Kazen	Weinert

Absent

Fuller	Owen
Hazlewood	Smith

Absent—Excused

Martin	Rogers
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**Committee Substitute
Senate Bill 2 on Second Reading**

The President laid before the Senate as unfinished business C. S. S. B. No. 2 on its second reading (the bill having been read the second time on Monday, April 17, 1961, and an amendment offered by Senator Baker on Tuesday, April 18, 1961, pending).

Question—Shall the amendment by Senator Baker to C. S. S. B. No. 2 be adopted?

Senator Kazen offered the follow-

ing amendment to the pending amendment by Senator Baker:

Amend the amendment to the Committee Substitute for Senate Bill 2, Section 7a by deleting Paragraph (2) of said Section and substituting in lieu thereof the following:

(2) The Board of Regents shall cause to be collected from students registering in the University in courses of less than graduate rank tuition or registration fees at rates set in Section 1 of Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as such Act was last amended by Chapter 435, Acts of the 55th Legislature, Regular Session, 1957, and the provisions of that Act as amended in 1957 shall apply to the University of Houston unless in conflict with this Act.

The amendment was read.

(Senator Reagan in the Chair.)

Senator Roberts offered the following substitute for the amendment by Senator Kazen:

Amend Baker amendment to Committee Substitute for Senate Bill 2, by striking out all of Subsection (2) of Section 7a, and substituting in lieu thereof the following:

"Sec. 7a (2) The Board of Regents shall cause to be collected from the students registered in the University tuition or registration fees at rates not less than double the rates set in Chapter 435, page 1297, Acts of the 55th Leg., R.S. of 1957, as amended; and the provisions of that Act of 1957 and Chapter 338, page 552, Acts of the 49th Leg., R.S. of 1945, as amended, and Chapter 66, page 96, Acts of the 50th Leg., R.S. of 1947, as amended, shall also apply to this institution except that the tuition shall be doubled as provided above."

The substitute by Senator Roberts for the amendment by Senator Kazen was read.

Senator Kazen moved to table the substitute of Senator Roberts for the amendment by Senator Kazen to the pending amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Aikin	Krueger
Colson	Moffett
Crump	Moore
Dies	Parkhouse
Fuller	Patman
Gonzalez	Secrest
Hardeman	Smith
Hudson	Willis
Kazen	

Nays—12

Baker	Owen
Calhoun	Ratliff
Creighton	Reagan
Hazlewood	Roberts
Herring	Schwartz
Lane	Weinert

Absent—Excused

Martin	Rogers
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(President in the Chair.)

Question recurring on the amendment by Senator Kazen to the pending amendment, Senator Baker moved to table the amendment by Senator Kazen to the pending amendment.

The motion to table was lost by the following vote:

Yeas—11

Baker	Ratliff
Calhoun	Reagan
Creighton	Roberts
Herring	Schwartz
Lane	Weinert
Owen	

Nays—18

Aikin	Kazen
Colson	Krueger
Crump	Moffett
Dies	Moore
Fuller	Parkhouse
Gonzalez	Patman
Hardeman	Secrest
Hazlewood	Smith
Hudson	Willis

Absent—Excused

Martin	Rogers
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Question recurring on the amendment by Senator Kazen to the pending amendment by Senator Baker, the amendment was adopted.

Question—Shall the pending amendment by Senator Baker to C. S. S. B. No. 2 be adopted?

(Senator Reagan in the Chair.)

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 25, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 91, Amending Article 342-205 of the Texas Banking Code of 1943, same being Acts of the Forty-eighth Legislature, Chapter 97, page 127, et seq., as amended, by creating a Savings and Loan Department; authorizing the appointment of a Savings and Loan Commissioner, a Deputy Savings and Loan Commissioner, and Savings and Loan Examiners, prescribing their qualifications and duties; fixing the conditions under which the rule-making power of the Building and Loan Section of the Finance Commission shall be exercised; abolishing the office of Building and Loan Supervisor; relieving the Banking Commissioner of certain duties; and declaring an emergency.

H. B. No. 376, Providing that Water Control and Improvement Districts and underground water conservation districts may be created only according to the provisions of Section 59 of Article 16 of the Constitution; providing exemptions; and declaring an emergency.

H. B. No. 692, A bill to be entitled "An Act to amend Section 1, Subsection 3c. B of House Bill No. 162, Acts of the 51st Legislature, 1949, Chapter 306, Page 559, as amended by Section 6 of House Bill No. 404, 54th Legislature, 1955, Chapter 496, Page 1239, known also as Section B of Article 7880-3c. Vernon's Annotated Civil Statutes, dealing with Underground Water Conservation Districts, by adding a new paragraph (11) at the end thereof, which shall be Section B (11) of Article 7880-3c, Vernon's Annotated Civil Statutes, authorizing a District to require the closing or capping of an 'open or uncovered' well, defining an 'open or uncovered well,' and permitting a District to close or cap the same if the owner and/or operator of the land upon which such open or uncovered well is located refuses to do so,

creating a lien on said land for expenses incurred by the District for closing or capping such open or uncovered well, providing that such remedies shall be cumulative, providing a savings clause, and declaring an emergency."

H. B. No. 821, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, by adding in Section 15 of Article I of the Texas Liquor Control Act provisions and requirement for a Nonresident Brewer's Permit; by adding in Section 3 of Article II of the Texas Liquor Control Act provision and requirement for a Nonresident Manufacturer's License; and by amending Section 28 in Article II of the Texas Liquor Control Act by adding to the requirements for label approval and fixing a fee therefor; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 1016, A bill to be entitled "An Act amending Subdivision (1) of Section 126, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925 (compiled as Subdivision (1) of Article 7880-126, Vernon's Annotated Civil Statutes) as last amended by Section 3, Chapter 275, Acts of the 42nd Legislature, Regular Session, 1931; providing that either party may demand a trial by jury in the appeals to the District Court; deleting the provision that said appeals shall be set for hearing either in term time, or in vacation, before the Court without the intervention of a jury; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 82 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 82, Proclaiming the day of Monday, May 1, 1961, as National Youth Day in Texas.

The resolution was read and was adopted.

Presentation of Guests

Senator Ratliff by unanimous consent presented as a guest of the Senate today Mrs. Dallas Scarbrough, the grand-daughter of former Senator Louis Gardner Davis who was a Member of the Senate of the 18th Legislature.

Senate Resolution 360

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, E. M. Syverson, E. M. Schur, Vern De Bolt, Don Klein, Lee Phillips, Jay Alvey, C. M. Hardy, and Honorable John Ben Shepperd—Members of the famous Odessa Chuck Wagon Gang and other Distinguished citizens; and

Whereas, They are here today to make a presentation to Governor Price Daniel honoring him with membership in the Odessa Chuck Wagon Gang; and

Whereas, We are happy to have these visitors who are here today to make this presentation; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented the guests to the Members of the Senate.

(President in the Chair.)

Recess

On motion of Senator Hardeman the Senate at 12:03 o'clock p.m. took recess until 2:00 o'clock today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled resolutions:

S. C. R. No. 50—Extending congratulations and best wishes to R. L. Thornton, Sr. for fifty years of public service.

S. C. R. No. 51—Recalling S. B. No. 276 from Governor's office and authorizing certain corrections therein.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 24, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 592, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
April 24, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 442, have had the same under consideration and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senate Bill 442 Ordered Not Printed

On motion of Senator Crump and by unanimous consent S. B. No. 442 was ordered not printed.

House Bill 592 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 592 was ordered not printed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 25, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 260 by non-record vote.

Respectfully submitted.

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 138, To the Committee on Jurisprudence.

Senate Bill 435 Re-referred

On motion of Senator Willis and by unanimous consent S. B. No. 435 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Bill and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bill and resolutions:

H. B. No. 602, A bill to be entitled "An Act regulating hunting of wild turkeys and deer in Bastrop County for certain periods and certain described areas within Bastrop County; and declaring an emergency."

H. C. R. No. 62, Relative to setting aside certain space in the Capitol for use of the House and the Senate.

H. C. R. No. 82, Proclaiming May 1, 1961, as National Youth Day in Texas.

(Senator Reagan in the Chair.)

Bills and Resolution Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

H. B. No. 180, Relating to award decisions in eminent domain proceedings, providing for notice thereof, and providing for objections thereto, Subdivision 6, Article 3266 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency.

H. B. No. 239, A bill to be entitled "An Act amending the Election Code of the State of Texas, enacted by Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, by adding thereto a new section to provide for the filing of applications for nomination by candidates of political parties making nominations for State, district and county offices by convention; and declaring an emergency."

H. C. R. No. 84, Expressing appreciation and thanks to Texas Junior Chamber of Commerce for its efforts in gaining annual salaries for Legislators.

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
April 25, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 236, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 24, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 660, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 24, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 661, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Resolution 368

Senator Hardeman offered the following resolution:

Whereas, The unusual times in which we are cast point up the importance of our Hemispheric relations with our Latin American neighbors; and

Whereas, As a part of the promotion of the close relationship with our Latin American neighbors, the Department of State for many years, has invited distinguished citizens of the other countries of the Western Hemisphere who have achieved recognition in their chosen fields to visit our land and observe those endeavors pursued in this country; and

Whereas, The Texas Good Neighbor Commission has contributed to the spreading of good will on the North American Continent in collaboration with the Department of State; and

Whereas, The Senate is signally honored today to have as a visitor an outstanding journalist from Lima, Peru; and

Whereas, Sr. Ernesto Ramon Blanes is the editor of one of the departments of a leading newspaper of South America, "La Prensa," of Lima, Peru, and is in this country as observer and to participate in editorial and journalistic work on such outstanding publications as the Corpus Christi Caller-Times of Corpus Christi, Texas; and

Whereas, Upon the completion of his association with this leading Texas daily, Sr. Blanes will visit the Department of State in Washington and then to New York City for further visitation; and

Whereas, His father is a distinguished agricultural engineer of Madrid, Spain, and has been a visitor in the United States; and

Whereas, It is the desire of the Senate to recognize the presence of this distinguished and outstanding South American journalist and to express its appreciation for his visit to this body; now, therefore, be it

Resolved, By the Senate of Texas, that Sr. Ernesto Ramon Blanes of Lima, Peru, be extended the official welcome of the Senate.

HARDEMAN
REAGAN

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented the distinguished guest to the Members of the Senate.

(Senator Aikin in the Chair.)

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 25, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on House Bill No. 189 by a vote of 139 ayes, 3 noes.

S. B. No. 368, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, comprising certain territory contained in Bowie County, Texas, to be known as 'Bowie County Water Supply District' (hereinafter called District; constituting the same a governmental agency and body politic and corporate; defining the boundaries thereof and declaring that the creation of said District is essential to the accomplishments of the purposes of Section 59 of Article XVI of the Texas Constitution; providing that the purposes of the Act are to provide for construction, acquisition and operation of a water supply and waste disposal system for municipal, domestic and industrial uses; fixing the District's legal domicile; providing for a Board of Directors, their terms, the filling of vacancies, the selection of successors, fixing their compensation, prescribing the duties and qualifications of such Directors, naming the first Board of Directors and fixing their respective terms; prescribing the rights, powers, privileges and duties of said District; making applicable to the District Title 52, Revised Civil Statutes, or the statutes governing districts organized under general law pursuant to Section 59 of Article XVI of the Texas Constitution, relating to eminent domain; providing for surveys by District, exempting such surveyors from trespass and fixing penalties for anyone knowingly interfering with such surveys; providing for inter-basin transfers of waters between Barkman Creek and Red River in Bowie County, Texas; providing for water and waste disposal contracts with District, priorities to water and waste disposal service and method of contracting, recording of such contracts and effect

of such recording as notice thereof and of rights created thereby; providing for discontinuance of water and waste disposal service and the order thereof in event of water shortage or inadequacy of facilities; providing means District may employ in securing permits to appropriate waters of Barkham Creek and Red River in Bowie County, Texas; exempting District from execution of cost or super-sedeas bonds; prescribing the purposes for which indebtedness may be created and bonds of District may be issued, the method of securing the payment thereof, and the procedure and terms for the issuance and sale of such bonds; providing for the refunding of the District's indebtedness and bonds; providing for submission of bond issues to the Attorney General for approval and registration thereof by the Comptroller of Public Accounts; providing for the incontestability of bonds so approved and registered; exempting the District's bonds and property from taxation; providing for procedures for protection of bondholders if bonds become in default or default thereof is threatened; providing that bonds of District shall be authorized investments in certain instances and eligible to secure deposit of certain funds; prohibiting the District from levying or collecting taxes or assessments or creating any debt payable out of taxes or assessments; providing that the District shall have power to fix rates and charges for water and waste disposal service furnished; enacting provisions incident and relating to the subject; providing for liberal construction of the Act; providing a severability clause; and declaring an emergency."

(With amendment.)

S. B. No. 250, A bill to be entitled "An Act validating the incorporation of cities and towns heretofore incorporated or attempted to be incorporated under the general laws of Texas and having a population according to the census of 1960 of not less than 5100 nor more than 5300; validating the boundary lines thereof; validating governmental proceedings; validating the adoption of Home Rule Charter; validating the Charter so adopted and providing that such charter so adopted shall constitute the Home Rule charter of such cities; validating elections held for the election of members of the governing body of such cities

and the assumption of office; providing that this Act shall not be construed as validating the adoption of any charter if the validity of the charter or the charter adoption proceedings are involved in litigation on the effective date of this Act and such litigation is ultimately determined against the validity thereof; providing a saving clause and declaring an emergency."

(With amendment.)

S. B. No. 195, A bill to be entitled "An Act validating certain proceedings of home rule cities; amending their home rule charters; validating the election proceedings whereby officials of such city have taken office; validating certain acts of such governing body of such city; providing that the Act shall not be applicable where litigation is pending at the time of the effective date where such litigation is ultimately determined against the validity of such amendment; providing a savings clause; and declaring an emergency."

H. J. R. No. 13, Proposing an Amendment to Article VIII of the Constitution of the State of Texas, exempting motor vehicles from all ad valorem taxes except those assessed and levied by school districts; authorizing the Legislature to increase the rates for motor vehicle registration fees; prescribing a limitation on such rates; and prescribing certain limitations on the disposition and use of such fees.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(President in the Chair.)

**Committee Substitute
Senate Bill 2 on Second Reading**

The Senate resumed the consideration of the pending business, same being C. S. S. B. No. 2 on its second reading with an amendment by Senator Baker pending.

Question—Shall the pending amendment by Senator Baker to C. S. S. B. No. 2 be adopted?

Senator Hardeman offered the following amendment to the pending amendment by Senator Baker:

Amend Baker Amendment to Committee Substitute for Senate Bill 2

by striking out all of Section 11 and renumbering the subsequent sections in numerical order.

The amendment to the pending amendment was adopted.

(Senator Hardeman in the Chair.)

Senator Moore offered the following amendment to the pending amendment by Senator Baker:

Amend the pending amendment to Committee Substitute for S. B. No. 2 by deleting the figures "1963" and inserting in lieu thereof the figures "2000" A.D.

The amendment to the pending amendment was read.

(President in the Chair.)

(Pending further discussion by Senator Moore of his amendment, Senator Reagan occupied the Chair.)

(Senator Aikin in the Chair.)

Senator Parkhouse raised the point of order that Senator Hudson was not speaking on the amendment offered by Senator Moore.

The Presiding Officer (Senator Aikin in the Chair) warned Senator Hudson to confine his remarks to the amendment.

Pending further discussion by Senator Hudson of Senator Moore's amendment, Senator Parkhouse raised the point of order under Senate Rule 25 that "while a Member has the floor, no Member shall interrupt him . . ."

The Presiding Officer (Senator Aikin in the Chair) overruled the point of order, stating that no Member had interrupted the Senator who had the floor. Senator Lane had requested the Chair for permission to ask Senator Hudson a question, and upon being interrogated by the Chair, Senator Hudson had yielded only for the limited purpose of the question. Such conduct does not constitute an interruption of a Member speaking and, therefore, is not in violation of Senate Rule 25.

(President in the Chair.)

(Pending further discussion by Senator Hudson of Senator Moore's amendment, Senator Reagan occupied the Chair.)

(President in the Chair.)

Question: Shall the amendment by Senator Moore to the pending amendment by Senator Baker be adopted?

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 25, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 435, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Welcome Resolutions

S. R. No. 354—By Senator Colson: Extending welcome to students, teachers and sponsors of Buffalo High School.

S. R. No. 355—By Senator Herring: Extending welcome to students and teacher of O. Henry High School of Austin.

S. R. No. 356—By Senator Parkhouse: Extending welcome to Mr. and Mrs. M. L. King et al of Dallas.

S. R. No. 357—By Senator Crump: Extending welcome to students and teachers of Brooksmith School of Brown County.

S. R. No. 358—By Senator Secrest: Extending welcome to students and teachers of Buckholtz High School.

S. R. No. 359—By Senator Weinert: Extending welcome to students, teachers and sponsors of Campus Elementary School of San Marcos.

S. R. No. 361—By Senator Willis: Extending welcome to students, teachers and sponsors of St. Mary's School of Fort Worth.

S. R. No. 362—By Senator Secrest: Extending welcome to students, their parents and sponsors of A Cappella Choir of Killeen High School.

S. R. No. 363—By Senator Baker: Extending welcome to students and sponsors of Alief School of Harris County.

S. R. No. 364—By Senator Crump: Extending welcome to students and their teachers of Medina Public Schools of Bandera County.

S. R. No. 365—By Senator Owen: Extending welcome to students and sponsors of Toyah High School of Reeves County.

S. R. No. 366—By Senator Crump: Extending welcome to the Honorable James Nugent of Kerrville.

S. R. No. 367—By Senator Aikin: Extending welcome to the Honorable Grady Moore of Red River County.

Recess

On motion of Senator Baker the Senate at 10:50 o'clock p.m. took recess until 11:00 o'clock a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

(Wednesday, April 26, 1961)

After Recess

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

Leave of Absence

Senator Hazlewood was granted leave of absence for today on account of illness on motion of Senator Lane.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 762, A bill to be entitled "An Act relating to the regulatory authority of the Game and Fish Commission in Comal County; amending Chapter 156, Acts of the 56th Legislature, Regular Session, 1959, to extend the duration of the Act to January 1, 1965; and declaring an emergency."

H. B. No. 802, A bill to be entitled "An Act making it unlawful to hunt, take, or kill, or attempt to hunt,